INTERIM REPORT OF

THE SPECIAL LEGISLATIVE COMMITTEE

ON PROFESSIONS AND OCCUPATIONS

IN THE PROVINCE OF ALBERTA

May 1973

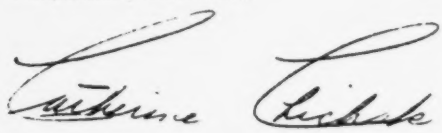
TO THE HONOURABLE

THE SPEAKER OF THE LEGISLATIVE ASSEMBLY

OF THE PROVINCE OF ALBERTA

I, the undersigned, have the honour to submit the following Interim Report of the Special Legislative Committee on Professions and Occupations to the Second Session of the Seventeenth Legislature.

Respectfully submitted,



Catherine Chichak, M.L.A.
Chairperson

MEMBERS OF THE COMMITTEE

NAME	CONSTITUENCY	CAPACITY
Hon. George Topolnisky (P.C.)	Redwater-Andrew	Member
Mrs. Catherine Chichak (P.C.)	Edmonton Norwood	Chairperson
Mr. Richard D. Gruenwald (S.C.)	Lethbridge West	Member
Mr. Graham L. Harle (P.C.)	Stettler	Member
Mr. Edgar W. Hinman (S.C.)	Cardston	Member
Mr. Calvin E. Lee (P.C.)	Calgary McKnight	Member
Mr. Albert W. Ludwig (S.C.)	Calgary Mountainview	Member
Dr. Donald J. McCrimmon (P.C.)	Ponoka	Member
Dr. Kenneth R. H. Paproski (P.C.)	Edmonton Kingsway	Member

INTERIM REPORT OF THE SPECIAL LEGISLATIVE COMMITTEE ON PROFESSIONS AND OCCUPATIONS IN THE PROVINCE OF ALBERTA

April, 1973

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I TERMS OF REFERENCE OF THE SPECIAL LEGISLATIVE COMMITTEE ON PROFESSIONS AND OCCUPATIONS

On Wednesday, April 26, 1972, during the First Session of the Seventeenth Legislature, a Special Committee of the Legislative Assembly of the Province of Alberta was established consisting of the following Members:

Hon. G. Topolnisky
Mrs. C. Chichak (Chairman)
Messieurs: Gruenwald, R. D.
Harle, G.
Hinman, E. W.
Lee, C. E.
Ludwig, A.
McCrimmon, Dr. D. J.
Paproski, Dr. K. R. H.

with instructions that the said Committee:

1. a) Conduct a review of the existing Alberta legislation pertaining to
   i) Regulation of Professions and Occupations;
   ii) Licensing thereof.
   b) Examine generally the policies and principles underlying such legislation, particularly in relation to those professions and occupations that have been given the power of self-regulation and licensing as distinguished from those regulated and licensed by the government; and
   c) Hear representations from associations incorporated under such legislation or that are representative members of a profession or occupation, whether it is presently subject to regulation by statute or not;

and that the said Committee meet at the call of the Chairman during any period of adjournment of the Assembly during this Session and between the prorogation of this Session and the next spring Session of this Legislature and make any recommendations it considers desirable in regard to the matters herein enumerated or related matters.

Several of the professional associations in existence in Alberta today were originally formed as incorporate bodies by Acts passed during the First Session of the First Legislature of the Province of Alberta in 1906. Acts respecting the Dental Association of Alberta, the Medical Profession, the Alberta Association of Architects, and the Veterinary Surgeons were passed during this First Session. An Act establishing the Law Society in the Province of Alberta was passed in 1907 and the Alberta Pharmaceutical Association Act was passed in 1910. Today, there are twenty-five provincial Acts in Alberta which confer powers of self-government on a profession or occupation. These Acts incorporate a professional society, association or institute consisting of members of a profession or occupation.

The right to self-government is a privilege granted to a professional or occupational group by the Legislature. Very broadly, it is the authority and responsibility given to a professional or occupational group to administer its own affairs and to regulate and control the practice of the members of a profession or occupation. Self-government usually includes the responsibility to license new entrants into a profession or occupation, to set standards of performance and conduct and to discipline those who fail to meet these standards. Self-government has been granted in the past whenever it appeared that the appropriate standard of service could be established most effectively and maintained by the professional or occupational group in question.

The self-governing professional and occupational groups in Alberta have played a very important role in the development of our society. The members of these groups have made a significant contribution to society and have generally served the public well. In developing its proposals, the Committee was guided by its desire to assure that the public interest is served as well as possible without abolishing what is desirable in the present institutions.

During the last few years, some very significant changes have taken place in our society that have altered the roles played by and the demands placed upon many of the institutions that have generally served well in the past. For example, the knowledge explosion that has taken place over the last few decades has had a tremendous impact on our society. The new methods, approaches, and techniques that have been developed as a result of this explosion have affected existing professions and occupations and have led to the creation of a host of new professions and occupations. Other changes which have taken place in our society have meant that in many cases, the relationships between professional and occupational groups, the government and society have been altered to a very great degree. It has become increasingly difficult for these groups to serve their members and the public interest equally well.

Certainly a professional or occupational group has an obligation to represent the interests of its members. However, the self-governing professional and occupational groups have, at the same time, been assigned the responsibility of protecting the public interest. In the past, the interests of the members of a professional or occupational group and the public interest have usually been synonymous. But, as a result of the changes mentioned above, there seems to be an ever-increasing number of situations in which the best interests of the members of the groups and the best interests of the public are not the same.

As a result of this apparent built-in conflict of interest, both the self-governing and the government-regulated professional and occupational groups are currently the subject of a certain amount of criticism. Public criticism and suspicion are often ill-founded; however one cannot assume this is always the case. Some of the major concerns being expressed by the public are discussed in more detail in Part Three of this report, where some of the main reasons for the establishment of the Committee are set out.

There is ample evidence to suggest that changes will continue to take place in our society at an ever-increasing pace. Therefore, legislators will have to develop frameworks that are flexible enough to allow the adaptation necessary in an everchanging society.

In preparing its proposals, the Committee has given careful consideration to existing problems and has tried to anticipate whether or not some of these problems may become even more significant in the future.

The Committee would like to thank the many groups and individuals who presented thoughtful and well-prepared briefs. The information, ideas and opinions in these briefs have been most useful to the Committee in its deliberations. Several groups made submissions to the Committee in which they proposed changes in the existing leglislation or completely new legislation. These submissions will be dealth with in the concluding report.

III ESTABLISHMENT OF THE LEGISLATIVE COMMITTEE ON PROFESSIONS AND OCCUPATIONS

The Special Legislative Committee on Professions and Occupations was established to review existing legislation pertaining to professions and occupations and to examine the policies and principles underlying such legislation. The committee has interpreted some of the concerns regarding professions and occupations to be as follows:

1. Increased proliferation of professional and occupational groups;
2. An increase in the number of groups requesting various aspects of self-governing powers;
3. A confusion in the minds of members of the public regarding the specific type of service that members of various professional and occupational groups are providing;
4. The complaint procedures presently available to the public;
5. The matter of professional and occupational discipline and other administrative procedures;
6. Practices relating to professional and occupational licensing and admission;
7. Practices relating to training, retraining, upgrading and updating;
8. Complaints by members of the public relating to professional and occupational fee schedules and service charges;
9. Professional relationships and activities between various groups and associations;
10. Uniformity and continuity in the administration of legislative acts and regulations.

1. Increased proliferation of Professional and Occupational Groups:

In the past, a limited number of Acts have been passed in Alberta giving certain professional and occupational groups the powers of self-government. Self-government usually includes the responsibility to:

(1) License new entrants into the profession or occupation;

(2) Set standards of performance and conduct; and

(3) Discipline those who fail to meet these standards.

The Acts which were passed were designed to protect the public by either prohibiting the practice of a particular profession or occupation by unlicensed persons or by limiting the use of a particular title or designation.

Many significant developments have taken place, since most of these Acts were originally passed, that have created a situation where there are now several occupational groups who feel they should have self-government. The type of service now being provided, by most professional and occupational groups, is more complex than it was in the past. Occupational groups which used to provide a rather routine type of service are now being asked to provide a far more specialized or complex type of service.

The members of many of these groups are finding that they require more training than they needed in the past. Consequently, the members of several of these groups have formed national and provincial associations to assist in their educational development. As they develop their skills and their ability to carry out more complex tasks, the members of these associations are coming to believe that standards of competency and codes of ethics are required to protect the public. They then apply for certain self-governing powers so they can enforce these standards of competency and codes of ethics.

In areas such as accountancy, where existing Acts have only prohibited use of a particular title rather than the practice of an occupation, several new groups have sprung up. These new groups are alsc requesting Acts which prohibit only the use of a particular title. If these Acts are passed, in a few more years other groups may emerge. This kind of proliferation could go on indefinitely.

In other areas, such as the health and social service areas, a high degree of specialization is taking place. An executive member of the Alberta Medical Association made the following statement during the hearings held by the Special Legislative Committee:

> "I think what we are seeing today is a proliferation of specialties within the allied health personnel. As a matter of fact, our representative to the Council on Medical Education at the Canadian Medical Association level reported that there are now approximately 190 different variations within the allied health personnel . . . . I can foresee a tremendous logistical problem in trying to give each of these separate acts to work under"

Many of these specialized occupational groups are forming their own associations and several of these associations feel it is necessary for them to have certain self-regulating powers so they can regulate those working in a specific occupational area. Futhermore, some professional and occupational groups would also like to be the exclusive bargaining agent for their group. With the ever-increasing demand for highly specialized health and social service personnel, it appears that new occupations will continue to emerge in these fields.

As an example of the vast number of different occupations that exist in our society today, the recently published Canadian Classification and Dictionary of Occupations[1] contains a delineation and definition for more then 6,700 distinct occupations. Fortunately, many of these occupations do not require regulation to protect the public at the present time. However, as our society becomes more complex and professional and occupational groups within our society become more interdependant, it is possible that an ever-increasing number of occupations may have to come under some form of regulation.

2. An Increase in the Number of Groups Requesting Various Aspects of Self-Governing Powers:

At the present time, no clearly articulated criteria exist to which the Alberta Legislature can refer in order to determine whether or not it is appropriate to confer powers of self-government upon any particular profession or occupation. Partly as a result of this, the provincial government has been approached by a considerable number of professional and occupational groups with requests for certain self-governing powers. Often no clear evidence exists that these groups are equipped to handle such responsibilities as may be synonymous with such powers.

A certain number of these groups argue that it is clearly in the public interest for them to be self-governing as only their association is able to ensure that the public is adequately protected from incompetent or unethical practitioners. Other groups are saying that, since the government has not taken the necessary precautions to protect the public from incompetent or unethical practitioners, their groups should be given the powers they need to provide this protection.

Three recent studies in Ontario and Quebec have suggested that further requests for individual professional acts should be resisted and that only certain professions should be allowed self-government in matters of licensing and discipline.

The Ontario Royal Commission Inquiry into Civil Rights recommended:

> The power of self-government should not be extended beyond the present limitations, unless it is clearly established that

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1 *Federal Department of Manpower and Immigration. Canadian Classification and Dictionary of Occupations. Vol 1, 1971* p. (iii)

> the public interest demands it and that the public interest could not be adequately self-guarded by other means.[1]

The Ontario Committee on the Healing Arts made the following recommendations:

> That as a general rule, the pressure created by occupational groups in the health field not now enjoying the status of self-government to be given self-regulatory powers ought to be resisted.
>
> That in the case of the non-university prepared health disciplines, no voluntary association should be accorded the right to license or certify its members as fit to practice.[2]

Finally, the Quebec Commission of Inquiry on Health and Social Welfare made this recommendation:

> That designation as an Order be limited to professional bodies to which the legislator is prepared to grant, after careful consideration and with all prudence, the exclusive use of a title, and to delegate the power to regulate, in varying degrees, the conditions of professional practice in the public interest.[3]

3. A Confusion in the Minds of Members of the Public Regarding the Specific Type of Service that Members of Various Professional and Occupational Groups Are Providing:

At the present time there are 25 provincial Acts[4] in Alberta which confer powers of self-government on a profession or occupation. These Acts incorporate a professional society, association or institute, consisting of members of the profession or occupation. The 25 Acts cover 29 distinct professions and occupations. Groups such as doctors, lawyers, dentists, architects, engineers and accountants come under this group of Acts.

Approximately 70 additional professions, trades and occupations are covered by a second group of 33 provincial Acts[5] and regulations that constitute a government-operated licensing system. These Acts and their regulations provide that the professions, trades, and occupations they cover can be carried on only by holders of a license, certificate or registration issued by a government official or a government-appointed body. Usually the applicant for a license is required to show either technical competence or suitability by reason of personal character. Such professions and occupations as psychiatric nurses, securities salesmen, real estate salesmen, land buyers, electricians, gas fitters, plumbers and barbers are governed by this group of acts.

A third group of four Acts[6] contain regulations which cover a large number of trades and businesses. These Acts provide that a license can be issued to a partnership or Corporation who carry on a particular business or trade, to be a holder of a license, certificate or registration. Normally, all that is required is the payment of a fee and a license can be issued. In most cases, there are no special requirements as to training, suitability, or character, although in some instances a bond will be required. Such groups as water well drillers, grain buyers, insurance agents, real estate agents and many other businesses and occupations are covered by this group of Acts.

The fact that there are so many different professional and occupational groups providing such a wide variety of services to the public is very confusing to the consumer. Many consumers may not even know that certain kinds of services are available, much less who provides these services. The lack of information on the availability of services provided by professional and occupational groups ap-

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1. *Ontario Royal Commission Inquiry into Civil Rights. Report No. 1. Vol. III* 1968, p. 1209.
2. *Ontario Committee on the Healing Arts, Vol. 1, 1970,* pp. 51 & 52.
3. *Quebec Commission of Inquiry on Health and Social Welfare, Part V,* 1970, p. 77.
4. See Appendix A.
5. See Appendix B.
6. See Appendix C.

pears to be a very real problem. It is quite possible that many people may have a definite need for a particular type of service but are not even aware of its availabilty.

4. The Complaint Procedures Presently Available to the Public:

At the present time, many consumers do not know who is responsible for overseeing those who provide the various services available to the public. As a result of this, consumers often have no idea of where they should complain when they have a complaint against a member of a professional or occupational group. While there is certainly a considerable amount of confusion regarding the actual availability of services, there is an even greater amount of confusion regarding the complaint procedures that are presently available to someone who has a complaint against a member of a professional or occupational group.

Discipline of a member of a self-governing professional or occupational group is presently handled by the governing or disciplinary body of the association to which he or she belongs. Therefore, if a consumer has a complaint, he or she must take it to the appropriate governing or disciplinary body. Many consumers do not appear to be aware that the self-governing professional and occupational groups in Alberta have been given the legal authority to discipline their members for professional misconduct.

When a consumer is aware of the complaint procedures available, he or she is still often reluctant to take any action. Consumers are frequently suspicious of a professional body that regulates its own members. They question whether such a professional body will put the interests of an individual consumer before the interests of one of its members. Even when justice is done, a consumer who feels he or she has a legitimate complaint may believe that justice has not been done.

Often members of the Legislative Assembly are contacted by consumers who are unhappy with the complaint procedures presently available to someone who is dissatisfied with the way he or she has been treated by a member of a particular professional or occupational group. As so often happens, it is the economically disadvantaged consumer who has the most difficulty.

5. The matter of Professional and Occupational Discipline and Other Administrative Procedures:

Some of the self-governing professional groups in Alberta have very well developed disciplinary machinery and members of these groups are assured that the basic laws of natural justice will be observed in any disciplinary proceedings in which they may be involved. Other professional groups do not have as well developed disciplinary machinery and in some cases there is a real possibility that injustices could take place.

Even in those professions that have highly developed disciplinary machinery there are those who feel that justice is not always done. Some professionals are questioning whether or not the size and prestige of the firm to which a member belongs has any influence on how severely he or she may be disciplined.

A number of professionals are also bothered by the fact that they can be disciplined for speaking out against the actions of fellow members of their profession. A dedicated professional may see things happening in his or her profession that are not entirely in the public interest or even in the best interests of the profession. These individuals find themselves in a very difficult position because their professional conscience demands that they speak out but they fear that to do so may well place them in an uncomfortable relationship with their professional association.

Some of the members of the various self-governing professional and occupational groups in Alberta have expressed concern regarding the election of officers of the association. Usually, these individuals are concerned with the inadequacy of the procedures

used to provide members with background information on candidates nominated for the different offices in their association.

6. Practices Relating to Professional and Occupational Licensing and Admission:

One of the main reasons for the establishment of professional self-governing bodies and for government licensing of some occupations has been to ensure that only qualified and competent practitioners are allowed to practice certain professions and occupations. Although the self-governing professional and occupational groups may have someone else assess an applicant's educational qualifications, the ultimate authority to issue, withhold or withdraw a license has usually been delegated to these groups.

Over the last 25 years, some very significant developments have taken place in both the physical and social sciences. Consequently, a considerable increase has taken place in the size of the body of knowledge and the complexity of the techniques that the average member of many professions and occupations must master. This has resulted in higher entrance requirements, more pre-professional or pre-vocational training and longer training programs. All these factors tend to limit the number of people that can enter and complete any particular program.

The Special Legislative Committee has received representations that admission standards for new entrants into some professions and occupations have been raised to an unrealistically high level. There have also been representations made to the committee that some of the members of professional and occupational groups who obtained their license several years ago have not kept up to date with changes taking place in their profession or occupation. There is also a concern that unnecessary obstacles are placed by Alberta professional and occupations associations in the paths of some immigrants, who have qualified in their own province or country.

The Committee has received representations that, in a few of the licensed professions and occupations, individuals connected with product suppliers have an undue amount of influence on licensing boards. Although the proposed federal Competition Act (Bill C-256) would alleviate part of this problem in that it would provide machinery to prohibit effectively restrictive practices such as price fixing and other anti-competitive arrangements, the trades and professions are exempt from this proposed legislation. Therefore, it is possible that further steps will have to be taken to overcome this problem.

7. Practices Relating to Training, Retraining. Upgrading and Updating:

Alberta has always had to rely on immigrants to fill the demand for people in some professions and occupations in the Province. For some professions and occupations, Alberta training facilities have been expanded to the point where Alberta-trained people are filling most of the new openings. In other professions and occupations, partly because of high training costs, large numbers of people from outside the province are still required to meet the demand for certain services.

It is difficult to convince a consumer who has waited months for an appointment with a professional, or weeks for a member of a professional or occupational group to perform a rather routine type of service, that acute shortages do not exist in some professions and occupations. There is a certain amount of concern amongst consumers that the self-governing professional groups and the government-regulated occupational groups have used their powers and influence to create artificial shortages of qualifed people. They believe that for some professions and occupations entrance requirements are highter than they need to be and training programs are longer and more inflexible than necessary.

By default, we have linked certification and licensing and it has often been suggested that these close links should be broken down to allow more than one avenue of entry into a licensed profession or occupation. It should be acknowledged that the establishment and

assessment of qualifications for certification in Alberta is often carried out by the University Co-ordinating Council. However, there is usually a preponderance of members from the group involved in establishing criteria and assessing the qualifications of applicants for certification.

In some professions and occupations new entrants must go through some form of in-service training or apprenticeship program. A limit is usually placed on the number of interns, in-service trainees, or apprentices who can train under each licensed member of a professional or occupational group. Sometimes, a licenced member has to have held a license for a specified period of time before he is considered sufficiently qualified to train apprentices.

Some occupational associations have successfully negotiated journeyman/apprentice ratios into their collective agreements with employers. When this happens, a good deal of flexibility is removed from the apprenticeship program. When a training program becomes too inflexible, quite often artificial shortages result from this inflexibility.

8. Complaints by Members of the Public Relating to Professional and Occupational Fee Schedules and Service Charges:

A common complaint against members of professional and occupational groups is that the fees or prices they charge for their services are too high. Many consumers believe that they are unable to use the services offered by these groups because of their high cost. Although almost everyone can take advantage of services that come under public and private insurance programs, governments are finding that rising fee schedules combined with other factors are contributing to the rapidly increasing cost of these programs.

To a certain degree, the various self-governing professional and occupational groups have been given a monopoly control over certain sectors of the service industry. They have been given this control because they have accepted the responsibility of protecting the public from incompetent and unethical practitioners. However, it has been suggested that there is a need for more constraints on the various degrees of monopoly power held by some of these groups. In a study done for the **Prices and Incomes Commission**, John Crispo has suggested that;

> In the absence of strong competitive pressures emanating from the interactions of supply and demand in the market place, individuals and groups with any degree of monopoly power must be subjected to some other form of checks and balances if they are not to take undue advantage of the rest of society.[1]

Some members of the public are concerned that suggested fee schedules almost always set out the minimum rather than the maximum fees that should be charged. Another closely related area of concern has to do with the difficulties which consumers sometimes encounter in trying to determine the cost of a service before it is rendered. To help overcome this problem, one consumer group has gone so far as to propose that suggested fee schedules should be posted on waiting room walls.

Professional or occupational groups may use a very complex formula to arrive at the fee to be charged for a particular service. Consideration may be given to such things as the amount of time spent performing the service, the complexity of the work performed, the cost of office and other equipment needed, and the amount of training required to be able to perform the service. Undoubtedly, the incomes of the members of other professional and occupational groups are also taken into consideration.
In his study of "Fee-Setting by Independent Practitioners", done for **The Prices and Incomes Commission** John Crispo came to this conclusion:

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1. John Crispo, "Fee-Setting by Independent Practitioners" *A study for the Prices and Incomes Commission*, p. 30.

> The general impression left was one of another set of groups not unlike the trade unions. Just as organized workers seem to develop a sense of disturbance about their relative positions in the hierarchy of the personal income structure, and a feeling that it is time to improve those positions, so also may a similar metabolism be at work among groups of independent practitioners. Perhaps, along with almost everone else in the country, they are looking rather jealously at the inordiante gains being scored by plumbers and electricians and simply using these breakthroughs as justification for another round of increases for themselves.[2]

Whether the formula used is simple or complex, in the final analysis, it would appear that professional fees and occupational wage rates have usually been set at what the traffic will bear. If this is actually the case, the creation of an artificial shortage, by a professional or occupational group could benefit its members economically. A restriction on the amount of work that para-professionals or unskilled workers are allowed to do could also benefit the members of certain groups financially because it would mean there would be a greater demand for the services of the members of these groups.

9. Professional Relationships and Activities Between Various Groups and Associations:

A rather serious concern that has been raised regarding several licensed professional and occupational groups is that their highly qualified members are often doing certain types of work that could easily be done by someone with considerably less training. Some of the established groups have quite a bit of influence over sub-groups and/or work jurisdictions and it is possible that they could restrict certain types of work for their own members. If highly qualified individuals are doing a significant amount of work for which they are overqualified, a waste of valuable manpower resources is taking place.

In some cases, it appeared to the members of the Special Legislative Committee that there was a certain amount of conflict between parent professional groups and the sub-groups that have been set up to do some of the less complex work in their area. Often this conflict seemed to stem from a disagreement over who should do certain types of work. As the nature of the work being done by various groups concontinues to change these kinds of problems may become even more common in the future.

At the present time, some professional and occupational associations have been given the right, by the Legislature, to act as the exclusive bargaining agent for their members. If this practice is continued in the health disciplines, there will soon be a proliferation of collective bargaining units in hospitals. This would contribute to jurisdiction of work problems and work against the harmonious team approach that is so badly needed in this field.

10. Uniformity and Continuity in the Administration of Legislative Acts and Regulations:

At the present time, almost every department of the Alberta provincial government is involved in the administration of some Acts and regulations covering professions, occupations and businesses. There is certainly some justification for having certain Acts, especially Acts covering the self-governing professions and occupations, administered by certain government departments. However, it is very difficult to achieve uniformity, continuity and consistancy in the administration of these Acts using this approach.

The Special Legislative Committee has received numerous complaints that the public is not adequately protected against incompetent and unethical practitioners of many professions and occupations. In some cases existing legislation is not being fully utilized, while in other situations, adequate legislation does not exist at the present time.

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2. Ibid, pp. 29 and 30.

It has been brought to the attention of the Committee that some serious abuses are taking place in such fields as hearing aid sales, photography, and home service repairs. Often it appears to be the unlicensed "fly-by-night" operators who are causing the greatest problems.

IV GOALS OR OBJECTIVES OF LEGISLATION RELATING TO THE REGULATION OF PROFESSIONS AND OCCUPATIONS.

Legislation designed to regulate professions and occupations should above all guarantee the protection of the public interest. The public interest is usually defined as that which is in the best interest of the people in general or the people as a whole. There are cases where the pursuit of self-interest by groups or individuals can be in the public interest or to the general good. However, there are also cases where the pursuit of self-interest may not be in the public good.

It is pointed out in the International Encyclopedia of the Social Sciences that,

> As an aim to be articulated or an ideal to be enunciated, the public interest stands for the broad versus the narrow, the more inclusive versus the limited.
>
> Indeed the very existence of the state as a collectivity would seem to prompt the formulation of basic common purposes. Thus, the public interest is akin to the statements of ultimate ends that characterize political philosophy, varying from Plato's concerns with the moral development of citizens as the purpose of the city-state, to Hobbes' emphasis on order. Locke's protection of natural rights, and the utilitarian's assertion of the greatest good for the greatest number . . .
>
> The public interest, as a concept, seems to be employed in situations that involve a conflict of interests or a problem of defending or interpreting broader or longer-range considerations against special or more immediate factors . . .
>
> In negative terms one can list the efforts made to protect the public interest from treats to public order, safety and morals (laws and ordinances with respect to crime, accidents, vice) and in the economic sphere regulations applying to fraud, monopolies, vote fixing, fair employment practices, and consumer protection . . .
>
> According to Walter Lippmann, 'the public interest may be presumed to be what men would choose if they saw clearly, thought rationally, acted disinterestedly and benevolently.[1]

The Special Legislative Committee believes that legislation to regulate professions and occupations in the public interest should be formulated keeping in mind the following goals or objectives:

1. Protection of the best interests of the public.
2. Protection of fundamental rights and freedoms of the individual.
3. A system of licensing of professions and occupations that will be compatible with the right and opportunity of the individual to gain entrance to function within the profession or occupation of his choice.
4. Education of the public to bring about an awareness of the availability of services by professions and occupations and the complaint procedures available to the public.
5. Encouragement of ongoingeducational development initiatives and ethical standards of performance for individuals and members of professional and occupational groups.
6. A framework which will provide as far as possible a balance between those responsibilities undertaken and authorities retained by government on the one hand, and those delegated and assigned to individuals and professional and occupational associations on the other in presenting services to the public.

A detailed discussion of these goals and objectives appears further on in this report.

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1. Pendleton Herring, "Public Interest", *International Encylopedia of the Social Sciences*, pp. 170 - 174.

V A DISCUSSION OF THE GOALS OR OBJECTIVES OF LEGISLATION RELATING TO THE REGULATION OF PROFESSIONS AND OCCUPATIONS

1. Protection of the Best Interests of the Public:

The basic reason for regulating and licensing any profession or occupation is to protect the public against incompetence and fraud. Professional and occupational licenses are issued to safeguard and maintain the life, health, safety and property of the citizen and are granted only to those who are qualified in their professions or occupations.

There are several different approaches that can be used to protect the public against incompetent or unethical practitioners of a profession or occupation. The power to regulate a profession or occupation can be:

1. Delegated to the professional or occupational group;
2. Delegated to a government appointed board or council;
3. Retained by the state in a government department.

Various combinations of these three approaches can also be used with the state retaining some of its power of control, in one form or another, and delegating the remainder of it to the professional or occupational group.

Generally, the more sophisticated the service in question, the more likely it is that only persons fully conversant with its practice are competent to prescribe and enforce appropriate standards of service. Therefore, when members of a profession or occupation are providing a fairly sophisticated type of service, it is necessary to have some of these members involved in the regulation of the profession or occupation. Almost all the professional and occupational groups that appeared before the special Committee argued that because the service they provide is of a very sophisticated nature, their members should be involved in the regulation of their profession or occupation.

If a government department regulates a profession or occupation, it has to employ people who are familiar with what they are regulating. If the profession or occupation is regulated by a Board or Council, it is necessary to have members of the profession or occupation on the Board or Council. When a profession or occupation is regulated by a self-governing professional or occupational group, usually everyone involved in its regulation is a member of the praticular group. One of the problems with having only the members of a profession or occupation involved in its regulation is that these people tend to be over-zealous in establishing levels of competence.

Since the members of a professional or occupational group have such a complete understanding of the complexities of the service being provided, they are very familiar with the severe problems that can be caused by incompetetent or unethical practioners. For this reason, they may often set standards too high rather than too low. They may become overconcerned with ensuring that only highly qualified people are allowed to practice and inadvertently impose restrictions that severely limit the number of people available to supply the service. In these cases, these people may actually be doing the public a disservice by being overly protective. It should always be remembered, by those charged with protecting the public, that the effects of too much concern can sometimes be worse than not enough concern.

The regulation of a profession or occupation usually involves a certain amount of inspectional work by either the government or the professional or occupational group. Although inspections are frequently done on a random basis, they do serve to provide additional protection to the public.

Another approach that can be used to protect the public against incompetence and fraud is to educate the members of the public to protect

themselves. Although consumer education has not been used as effectively as it could have been in the past, it should be given serious consideration as one of the very important methods that can be used to protect the public in the future.

2. Protection of Fundamental Rights and Freedoms of the Individual:

The right to endeavour to earn a living in the calling of one's choice is considered by many to be a very basic civil right. This fundamental right should only be infringed upon when it is in the public interest to do so. However, the control of standards for a profession or occupation is sometimes the only effective way to safeguard the life, health, safety and/or property of the citizen.

The power to restrict or infringe upon a fundamental right or freedom is held exclusively by the state. The Government can delegate this authority if necessary, but it should always be remembered that the final responsibility for this power lies with the Government. Furthermore, it is the Government's responsibility to ensure that this authority is always exercised in the public interest.

When a profession or occupation is regulated, those applying for a license to practice the profession or occupation should always have the right to appeal, if their application is turned down. In disciplinary proceedings, an attempt should be made to follow the rules of natural justice which include giving the person charged the right to counsel, the right to cross-examine witnesses, and the right to appeal to the Courts.

The Ontario Royal Commission Inquiry Into Civil Rights discussed the extensiveness of the power that a self-governing professional or occupational group has at its disposal and pointed out that it has the power to decide who should be permitted to earn his living by the pursuit of a particular calling. The Commission then went on to say that it could be argued "that a power which so circumscribes the freedom of an individual to earn a livelihood by any lawful means, should not be exercised except under government control".[1]

At the present time, many of the self-governing professional and occupational groups can discipline their members for speaking out against another member of their profession. This can be interpreted in such a broad way that members of these groups are afraid to speak out against their professional or disciplinary bodies. In reality, their freedom of speech may be infringed upon by the group.

Some employee organizations and trade unions have been able to negotiate collective agreements with employers which contain either "closed shop" provisions or "union shop" provisions.[1] It could be argued that these kinds of provisions infringe upon the freedom of the individual. When an individual is faced with having to obtain both a license to practice and a union membership card, his right to earn livelihood in the calling of his choice is certainly being impaired. The question of course, is whether or not these restrictions are in the best interests of society.

Legislation designed to regulate professions and occupations should try to safeguard, as much as possible, fundamental rights and freedoms.

3. A System of Licensing of Professions and Occupations that will be Compatible with the Right and Opportunity of the Individual to Gain Entrance to Function Within the Profession or Occupation of His Choice:

One of the major economic objectives of a government is to try to maintain a high level of employment so that employment oppor-

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1. Ontario, Report No. 1 of *The Ontario Royal Commission Inquiry Into Civil Rights*, p. 1163.

1. A "closed shop" provision makes union membership a pre-requisite to employment. A "union shop" clause requires an employee to join the union after he has worked for an employer for a specified period of time.

tunities are available for all those who want to work. To maintain a high level of employment, governments should try to create an atmosphere that is conducive to the kind of economic growth that will provide a sufficient number of job opportunities for a growing labour force.

Whenever there is a high level of employment a proper balance between labour supply and labour demand exists. This balance must exist not only at the aggregate level, but also at the occupational group level. In the past, serious shortages of people have often existed in many of the licensed professional and occupational categories. One of the keys to achieving the proper balance between labour supply and demand is the manner in which occupational licensing is handled. If it is handled correctly, it does not place undue restrictions on entry into licensed professions and occupations. However, if licensing standards are unrealistically high, they can create artifical shortages in certain professions and occupations.

Milton Frieman, a well-known American economist has said,

"Licensure almost inevitably becomes a tool in the hands of a special producer group to obtain a monoply position at the expense of the rest of the public"[2]

The Commission on Post-Secondary Education in Ontario recommended that the rigid connections between educational qualifications and employment must be broken down to allow for sufficient opportunity for transfer of abilities, aptitudes and skills from one occupation or profession to another.

Some of the recommendations made by the Commission are as follows:

In each 'professional' area, including architecture, engineering, law, medicine, psychology, social work, and teaching, there should be a spectrum of practitioners including specialists, general practitioners, para-professionals, technicians, assistants and aides.

There should be ready opportunity for people to proceed through the spectrum of skills and responsibilities represented in each professional area, with specially designed transfer courses which would build on the knowledge already accumulated.

Refresher courses should be developed to provide for the continued competence of people operating at all levels. Such courses should be open to people of 'lower' levels with full opportunity for their advancement to 'higher' levels, on the basis of performance standards similar to those required for re-registration of previously qualified practitioners.[3]

The implementation of these kinds of recommendations would help to eliminate some of the artificial shortages and structural imbalances that presently exist in the labour force. These shortages and imbalances slow economic growth, widen income inequities, and contribute to unemployment and inflation. As long as structural imbalances exist in the labour force, low unemployment and relative price stability are difficult to achieve simultaneously.

Serious structural imbalances in the labour force, which work against a policy of full employment, eventually show up in the income levels of the professional and occupational groups where the acute shortages exist. Everyone is certainly familiar with the high wage settlements that have been taking place in the licensed Alberta building trades over the last few years as well as the above-average increases in the income levels of many licensed professional and occupational groups. This could be an indication that some rather serious imbalances in the labour market may be resulting from the present system of licensing professions and occupations.

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2 M. Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962), p. 148

3 *Commission on Post Secondary Education in Ontario, Draft Report*, pp. 14-28.

The rigidities in the present system caused by the close connection between educational qualifications and employment are part of the cause of the structural imbalances that exist in the labour market. Some of the rigidities are present because the knowledgeable members of professional and occupational associations are aware that there is an upper limit to the number of employment opportunities available for the membership of each of their particular groups. Increased flexibility and transferability could be a definite threat to the employment and income security of the members of existing groups.

Legislation dealing with professional and occupational licensing might well be designed to reduce the rigidities that presently exist without seriously threatening the employment and income security of the members of existing professional and occupational groups.

4. Education of the Public to Bring About an Awareness of the Availability of Services by Professions and Occupations and the Complaint Procedures Available to the Public.

At this time, it would appear that the public is not generally aware of the services various professional and occupational groups are presently providing. There also seems to be a general lack of knowledge regarding the availability of complaint procedures.

It is certainly true that the public is generally aware of the scope of the services provided by a few of the traditional professions and a certain number of people also appear to know where to go if they have a complaint against a member of one of these professions. However, the public generally does not appear to be very well informed of the scope of the services provided by the members of many professions and occupations. It also appears that many of the self-governing professional and occupational groups have not adequately publicized the availability of their complaint procedures.

5. Encouragement of Ongoing Educational Development Initiatives and Ethical Standards of Performance for Individuals and Members of Professional and Occupational Groups.

It is difficult to lay down a precise definition of a profession which can be used to determine whether or not a particular occupation can be classed as a profession. It is very important when attempting to determine what is and what is not a profession, that one remembers there is a difference between proficiency and professionalism. A person can have a high degree of skill or proficiency in a certain trade or occupation and still not be doing the type of work that is considered professional work.

In our century, the term 'profession' has taken on an entirely different connotation than it has carried in the past. It has come to be used to describe almost every occupation in which one may earn a living. For the purpose of this report, a profession has been defined as a branch or field of human endeavour which, for ideal performance, requires an advanced degree of aptitude, ability, specialized training, responsibility, conscientiousness, self-discipline, initiative and ethical maturity.

The Committee has accepted the definition of an occupation as a field of human endeavour in which an individual may spend his time, energy and talent and can render acceptable service if he possesses the physical and intellectual capacities and adaptabilities normal to the human body and mind. A person may practice an occupation if he is willing to acquire certain knowledge and skill which come through practice, observation and direction or through training facilities of low pre-requisite.

The Committee recognizes that it is extremely difficult to draw fine lines between professions and occupations and realizes there is always a grey area of para-professional occupations. However, the Committee feels a fair and reasonable classification between the two is both possible and desirable.

Several writers have claimed there are certain characteristics that are common to all professions. Sir James Currie, in his book, **Professional Organizations in the Commonwealth,** has stated that if we were to venture a definition of a profession, he would say it has three characteristics:

1) **The recognition of fitness through approved qualifications.** The first characteristic is that its terms of entry should be well defined. By this, I mean that, as a result of education and training, the fitness of the professional man should be recognized by everyone, because he has, in an approved way, shown himself fit and skilled to practice. He is thus acceptable not only to his professional colleagues but to the public who employ him.

2) **The discipline and control of the organization.** The second characteristic of a profession is that it imposes a discipline on its members. This may be by a stipulated code of ethics set down as part of the constitution or by an accepted, often unwritten, way of working. This code is known and acknowledged to be known, not only by the profession, and accepted by it; it is recognized by the public, who are protected by it.

3) **The permission to practice through some form of registration or licensing.** The third characteristic is that a professional man may have to submit his qualifications to some statutory or authoritative body as a prelude to practice. This means that he must obtain a recognition which again, can be accepted as a standard, and as a protection, by the public.[1]

Lowell Williams, in a paper presented to the Special Committee on behalf of the Alberta School Trustees Association suggested that "all occupations may be placed somewhere on the continuum between the ideal type 'profession' at one end, and the completely unorganized occupational categories (non-professions) at the other." He then went on to describe the 'ideal' type which would possess all of the following characteristics to a very high degree:

1) An esoteric or highly sophisticated body of knowledge which provides the basis for their experience.

2) A recognized authority based upon their knowledge and understanding of the theory connected to their occupation and which is recognized by the clientele of the occupational group.

3) Broad community approval of this authority. (Authority supported by law)

4) A code of ethics

5) A professional organization which represents the occupational group as a whole

6) Autonomy from external regulations based on the group's demonstrated self-regulation.

Mr. Williams then goes on to argue that it would improve society if all occupational groups were encouraged,

"to move toward the ideal type professional, and take on the duties and responsibilities connected with professionalism. They should be allowed to be autonomous and self-regulating if they are willing to accept the responsibilities attached thereto.

However, Mr. Williams pointed out that there are two major areas that must be excepted:

1. The clients of every 'professional' occupational group should have access to a mechanism whereby they can as a group influence in a more substantial way than at present is the case, the fee structure which is imposed upon them.

2. The client group should have more assurance than at present that practition-

1. Sir James Currie, *Professional Organizations in the Commonwealth,* p. (x)

ers of the profession are in fact acting 'professionally', that they are providing the quality of advice and service which is to be expected from a 'professional' group.

He felt that lay influence in the above two areas must be increased even though it would reduce autonomy and be resisted by professional groups for this reason.

Mr. Williams also warned that,

"a monopoly can be abused, and powers and privileges can easily be used to protect vested interests against the public good. This applies particularly to the price of services which is established by the professional group. Also, once autonomy has been attained, professional groups tend at least, to restrict the number of persons entering the occupations in order to create a security of personnel which will then enable them to increase fees based on the concept of supply and demand.

The calibre of performance, if this is to be judged only by the profession itself, can be diluted without community awareness. One other abuse is difficult for "professionals" to avoid. The group, subject to no or little outside scrutiny, can easily frustrate the efforts of individuals inside the profession who are trying to bring about needed social or technical change in the practice of the profession. It is only when the abuses become conspicuous or widespread that the community becomes aware of them and then begins to question the monopoly enjoyed by the profession. However, if more light is allowed to pepetrate the two areas mentioned (fee setting and professional conduct), the dangers of the third will probably be avoided as well."

The Special Legislative Committee recognizes that pride in purpose and responsibility to serve the public are certainly qualities that should be encouraged to grow in any professional or occupational group. However, there are many of these groups that are far from the "ideal type" and while pride in profession and service to the public should be encouraged, it could be argued that their existence is not necessarily contingent upon a group being autonomous.

It is generally recognized to be in the public interest to encourage members of professional and occupational groups to become involved in ongoing educational development. High ethical standards and the maintenance of reasonable standards of performance by individuals and members of these groups can also be considered to be in the best interests of the public.

6. Establishment of a Framework Which Will Provide as Far as Possible a Balance Between Those Responsibilities Undertaken and Authorities Retained by Government on the One Hand and Those Delegated and Assigned Professional and Occupational Associations on the Other in Presenting Services to the Public.

The right to self-government is a privilege that has been granted in varying degrees to certain Alberta professional and occupational groups by the provincial Legislature. Whenever rights are granted to a group, certain responsibilities must also be assumed by the group. Therefore, groups who have been granted special rights and responsibilities are considered accountable to the Legislature for the way in which they have exercised these rights and carried out their responsibilities.

It would be unjust to ask a professional or occupational group to assume a responsibility without delegating to the group the necessary authority to carry out the responsibility. It would be unwise for the Government to assume a responsibility when it has delegated part of the authority it needs to carry out the responsibility to an occupational group.

A framework needs to be developed that will delineate those authorities that government must retain to carry out successfully the responsibilities it has assumed as well as those authorities and responsibilities that can best be handled by the various professional and occupational groups. It may be that certain groups can be granted more authority and assigned more responsibility than others.

VI CONCLUSIONS

1. The present system of granting varying degrees of autonomy to associations by Acts of the Legislature has generally been satisfactory until recent years.

2. As new methods, approaches and techniques are developed and the work performed by the members of various professions and occupations becomes more complex, it is apparent that an ever-increasing number of professions and occupations may have to come under some form of statutory regulation.

3. As members of the licensed professions and occupations continue to become more dependent upon work done by para-professionals and technicians, it is possible that many of these para-professionals and technicians will also have to come under some form of licensing in order to protect the public adequately.

4. The Government must anticipate an increasing number of groups who consider their work to be worthy of separate classification and autonomy in self-regulation.

5. At the present time, no clearly articulated legislative criteria exist to which the Alberta Legislature can refer in order to determine whether or not it is appropriate to confer powers of self-government upon any particular profession or occupation.

6. The best interests of society and the self-interest of associations are not necessarily incompatible, but complete compatibility is not to be taken for granted.

7. It would appear there is a concern that the Legislature may delegate more legislative and judicial powers to a professional or occupational group than the group actually requires to carry out its responsibilities.

8. Present legislation does not provide for the existing self-governing professions and occupations to be accountable to the Legislature.

9. It would appear that there is a need to ensure that the laws of natural justice apply in disciplinary hearing.

10. It would seem that a clearly defined appeal procedure should be available to those who have been refused admission to a professional or occupational group.

11. It is doubtful whether it is in the public interest to allow members of one professional or occupational association to control (excluding matters of work administration) another professional or occupational association,

12. It is a concern that it may not always be in the best interest of society to allow a professional or occupational group the exclusive right to perform certain types of work.

13. It would appear that the right to bargain collectively for a professional or occupational group should not be determined by the professional or occupational statues.

14. The public is not generally aware of the services various professional and occupational groups are presently providing.

15. Many of the self-governing professional and occupational associations presently have a complaints procedure that is considered satisfactory by many members of these associations and members of the public.

16. Unfortunately, there appears to be a rather broadly held suspicion by members of the general public that it is futile to complain to an association about one of its members.

17. Many persons with complaints cannot muster the courage to avail themselves of the presently established routes for redress.

18. During the term of its deliberations, the Committee was presented with requests for changes in the following areas:

(a) The extent of the monopolistic powers held by associations;

(b) The criteria for licensing or for entrance into professions and occupations;

(c) Retraining and updating of qualifications of those licensed;

(d) The determination of fee structures;

(e) Complaints procedures;

(f) Availability of service in both urban and rural areas and competition within the service;

(g) Opportunity to enter a profession or occupation for all those who qualify to enter;

(h) Monitoring procedures to reveal or correct abuses;

(i) Widespread dissemination of information regarding all aspects of the relationship between those offering service and those requiring service; and

(j) Provision for lay members on regulatory boards to represent the public interest.

19. It would seem that compulsory membership in a self-governing professional or occupational association may in some cases be necessary to ensure that the public is adequately protected.

VII

PROPOSALS

The Special Legislative Committee on Professions and Occupations has found that, because of the complexity of the subject matter of its review, the variety of considerations it must take into account, and the impact any one recommendation or combination of recommendations may have on the people of Alberta, it requires more time to consider its final recommendations.

In the interim, we wish to include a rather comprehensive list of proposals which, in one form or another, have come to the Committee from various associations, groups, members of the public, members of the Committee and from some of the studies carried out for other Governments, or from legislation existing in other parts of the continent.

The list of proposals and questions hereinafter enumerated and other matters are still being deliberated by this Committee, and will be dealt with in the concluding report and recommendations to be tabled in the Legislature prior to the prorogation during the sitting this fall.

The Committee will accept in the interim months, written comments regarding the matters set out below or on other matters.

1. That the rational development of professional and occupational groups be encouraged in such a way that an undue proliferation of these groups does not take place.

2. That the present trend of granting self-governing powers to an ever-increasing number of professional and occupational groups be resisted on the grounds that this is not always in the public interest.

3. That clearly articulated criteria should be developed so that self-governing powers can be granted on a selective basis and that an advisory body be set up to study and recommend which groups should be granted self-government.

4. That a comprehensive review and research of present entrance standards into the various professions and occupations should be undertaken.

5. That each of the professional and occupational groups be encouraged to inform the public, to a greater degree than at present, of the general nature of the services its members offer as well as the specialized services offered by certain members.

6. That a Professions and Occupations Council, or a department of Government, or a division in a department (such as Manpower and Labour, Advanced Education, or Consumer Affairs) be established with the authority to work with professional and occupational groups to ensure that the public is informed of the nature of the services offered by the members of the various professional and occupational groups.

7. That the professional and occupational groups be encouraged to make the public more aware of existing complaint procedures.

8. That a body such as a Professions and Occupations Council, The Department of Consumer Affairs, or an Ombudsman be given the responsibility of receiving and channelling complaints to the appropriate disciplinary body, to accommodate that sector of the public that does not wish to go directly to the professional or occupational group.

9. That complainants, with complaints against a member of a profession or occupation, should have access to the Courts.

10. That the professional and occupational groups in the Province must ensure that the laws of natural justice apply in all disciplinary hearings.

11 That the appeal procedure set out in professional and occupational Acts ensure access to the Courts.

12. That a sufficient number of non-members be appointed to all professional and occupational disciplinary bodies to represent fairly the public interest.

13. That consideration be given to the development of an Act similar to the Statutory Powers Procedures Act of Ontario, to provide procedures governing the exercise of statutory powers affecting the rights, duties, or privileges of persons at or following a hearing.

14. Statutes should assure that standards of professional conduct as applied to professional and occupational practice be established as only those which can clearly be delineated within statutes and by-laws.

15 That a full range of sanctions which may be imposed for particular offences should be precisely stated in the appropriate statutes.

16. That professional and occupational groups should require their members to advise their clients or patients in advance, to the extent possible, regarding fees or charges for services.

17. That professional and occupational groups and their members should be encouraged to co-operate with each other, in the area of work jurisdictions, in the best interests of the public.

18. That no professional or occupational groups should be controlled (excluding matters of work supervision) by the members of another professional or occupational group.

19. That each statute should require prompt publication in the Alberta Gazette of all rules (By-laws and Regulations) enacted by the association.

20. That the statute creating a professional or occupational association or any other statute should not designate the association as the official agent for collective bargaining, but that this should be properly determined under the Alberta Labour Act.

21. That each of the self-governing professional and occupational groups should be required to table an Annual Report in the Legislature.

22. Prior to making its final recommendations, the Committee must continue its study, investigation and review of the above as well as the following items:

(a) Does the existing procedure used to obtain a self-governing professional or occupational Act ensure that enough consideration is given to the public interest?

(b) Is it desirable to develop an umbrella act that would apply to all professions or occupations that should be licensed or registered to protect the best interests of the public?

(c) Is it desirable to develop a number of Acts, each of which would take in a group or cluster of professions and occupations?

(d) Should any professional or occupational group be considered as being so unique that it should be treated differently from any other group?

(e) Should a temporary registration and licensing Act be designed so that groups wishing their own Act have a chance to "prove" themselves over a specified period of time?

(f) Is it necessary or desirable to make a clear distinction between a profession and an occupation?

(g) If it is desirable to distinguish between a profession and an occupation, should they be dealt with differently?

(h) Should encouragement be given to a movement away from an overly rigid and precise definition of areas of practice for some professions and occupations?

(i) Should encouragement be given to a clearer and more precise definition of areas of practice for some professions and occupations?

(j) Would it be in the best interests of society to have someone other than the self-governing associations handle licensing?

(k) Should licensing standards into a profession or occupation be set by a body such as The Universities Co-ordinating Council, educational bodies, a department of government, a qualifications board, or some other body that includes non-members to represent the public interest?

(l) Should a clearly defined appeal procedure be available to those who have been refused admission to a professional or occupational group, and should the body hearing the appeal include non-members of the professional or occupational group?

(m) Should consideration be given to removing rigid educational requirements for taking of professional and occupational licensing examinations to promote equality of access to the professions and occupations?

(n) Should educational certifications be the responsibility of the professional or occupational groups?

(o) Should educational certifications be the responsibility of a body such as the Universities Co-ordinating Council. The Department of Advanced Education, a qualifications board or specific educational jurisdictions?

(p) Is it desirable to develop an hierarchy of skills or a "career ladder" approach, to professional and occupational development with fluid transferability from one level to another?

(q) Can a sliding scale or step system of licensing be developed so that recognition can be given to the variety of professional and occupational skills which will be available as a result of the rapidly developing para-professional and occupational group?

(r) Should it be officially mandatory for all professionals to participate in a system of continuing education?

(s) Should a system of continuing education be tied to re-licensing in such a way that a license to participate can only be held by someone undergoing an educational process or passing a required examination?

(t) To what extent should advisory committees be involved in the development of continuing education programs for members?

(u) Should professional and occupational fee schedules and wage rates be periodically reviewed by a "Fee Schedule and Wage Rate Review Board?"

(v) Should Acts covering professions and occupations continue to be administered by various departments or should they all be administered by a department for professions, a professions and occupations council, or the Department of Manpower and Labour, Advanced Education, Consumer Affairs, or some other body?

(w) Should all changes in Acts and Regulations involving professions and occupations be submitted to a professions and occupations council, a standing committee on professions and occupations, to a Minister, or some other body for review and assessment of their impact?

(x) Should membership in a professional or occupational association be compulsory?

APPENDIX A

ACTS CONFERRING POWERS OF SELF-GOVERNMENT ON A PROFESSION OR OCCUPATION

NAME OF ACT	PROFESSION OR OCCUPATION
1. The Agrologists Act	Agrologists
2. The Alberta Architects Act	Architects
3. The Alberta Chartered Accountants Act	Chartered Accountants
4. The Chiropractic Profession Act	Chiropractors
5. The Dental Association Act	Dental Surgeons (dental hygienists are also referred to but are not regulated by the Act)
6. The Alberta Registered Dietitians Association Act	Dietitians
7. The Engineering and Related Professions Act	Professional Engineers, Professional Geologists and Professional Geophysicists
8. The Society of Industrial Accountants of Alberta Act	Registered Industrial Accountants
9. The Registered Interior Designers Institute of Alberta Act	Interior Designers
10. The Alberta Land Surveyors Act	Land Surveyors
11. The Legal Profession Act	Barristers and Solicitors
12. The Medical Profession Act	Medical Practitioners, Osteopaths, Homeopaths
13. The Naturopathy Act	Naturopaths
14. The Ophthalmic Dispensers Act	Ophthalmic Dispensers (a certificate of competency from a government-appointed body is also required in addition to membership in the Guild)
15. The Optometry Act	Optometrists
16. The Alberta Pharmaceutical Association Act	Pharmaceutical Chemists
17. The Chartered Physiotherapists Act	Chartered Physiotherapists
18. The Podiatry Act	Podiatrists
19. The Psychiatric Nurses Association Act	Psychiatric Nurses
20. The Psychologists Act	Psychologists
21. The Alberta Registered Music Teachers' Association Act	Music Teachers
22. The Registered Nurses Act	Registered Nurses
23. The Social Workers Act	Social Workers
24. The Teaching Profession Act	Teachers
25. The Veterinary Surgeons Act	Veterinarians

APPENDIX B

PROFESSIONS OR OCCUPATIONS UNDER A GOVERNMENT-OPERATED LICENSING SYSTEM

NAME OF ACT	PROFESSION OR OCCUPATION
1. The Amusements Act	Film Projectionists
2. The Artificial Insemination of Domestic Animals Act	Artificial Insemination Technicians
3. The Boilers and Pressure Vessels Act	Engineers, Firemen and Pressure Vessel Welders
4. The Cemeteries Act	Salesmen of lots, plots, etc.
5. The Certified Dental Mechanics Act	Dental Mechanics (The Act incorporates a Society but membership in it is not necessary)
6. The Child Welfare Act	Persons placing immigrant children require an O.C.
7. The Coal Mines Regulation Act	Coal Mine Workers of all classes
8. The Collection Agencies Act	Collectors
9. The Dairymen's Act	Graders and Testers of milk and cream, Operators of testing apparatus
10. The Dental Auxiliaries Act	Dental Auxiliaries
11. The Dental Technicians Act	Dental Technicians
12. The Department of Education Act	Certification of Teachers
13. The Electrical Protection Act	Electricians
14. The Forests Act	Timber Scalers
15. The Gas Protection Act	Gas Fitters
16. The Highway Traffic Act	Driving Instructors, Truck Drivers, Bus Drivers, etc.
17. The Alberta Insurance Act	Salesmen, persons employed as adjusters by a firm or corporation that is a licensed adjuster
18. The Investment Contracts Act	Salesmen of registered issuers of investment contracts
19. The Landmen Licensing Act	Land Buyers and Agents or employees of land buyers
20. The Liquor Control Act	Representatives of licensed Brewers, Distillers and Wineries
21. The Municipal Government Act	Scavengers: Specified trades under section 222 (plumbers, electricians, gas fitters, steam fitters, building contractors)
22. The Nursing Aides Act	Nursing Aides (there is no penalty for being unlicensed)
23. The Private Investigators and Security Guards Act	Private Investigators and Security Guards
24. The Psychiatric Nurses Training Act	Psychiatric Nurses and Mental Deficiency Nurses (certificates are issued but there is no penalty for not being certified)
25. The Public Health Act	Midwives; Undertakers and Embalmers; Meat Examiners and Meat Inspectors; Hypnotists; Public Health Inspectors
26. The Alberta Racing Commission Act	Owners, Trainers, Drivers, Jockeys, Apprentice Jockeys, Grooms, Jockeys' Aides, Jockeys' Valets, Exercise Boys, Tradesmen
27. The Radiological Technician Act	Medical Radiological Technician, Industrial Radiological Technician
28. The Real Estate Agents' Licensing Act	Salesmen for Real Estate Agents
29. The Sale of Chattels by Public Auction Act	Auctioneers
30. The Securities Act	Securities Salesmen
31. The Tradesmen's Qualification Act	Mechanics of various kinds, plumbers, steam fitters, gas fitters, barbers and other designated trades
32. The Welding Act	Welders
33. The Wildlife Act	Taxidermists, Dog Trainers, Guides and Outfitters

APPENDIX C

BUSINESSES AND TRADES

NAME OF ACT	PROFESSION OR OCCUPATION
1. The Aerial Photographic Survey Act	Persons making aerial photographic surveys
2. The Agricultural Chemicals Act	Operators of a business involving the use or application of pesticides
3. The Amusements Act	Operators of a place of amusement, carnival show, travelling amusement or show or film exchange
4. The Artificial Insemination of Domestic Animals Act	Operators of insemination business, semen producing business or semen bank
5. The Bee Diseases Act	Bee Keepers
6. The Billiard Rooms Act	Billiard Room Proprietors
7. The Collection Agencies Act	Collection Agencies
8. The Dairymen's Act	Diary Manufacturing Plants
9. The Department of Education Act	Kindergarten education programs, institutions offering correspondence courses, private schools
10. The Employment Agencies Act	Employment Agencies
11. The Fish Marketing Act	Fish Dealers and Fish Breeders
12. The Frozen Food Act	Locker Plant Operators
13. The Fuel Oil Licensing Act	Jobbers, Wholesale Dealers, Distributors and Refiners of fuel oil and Retail Dealers in fuel oil
14. The Fur Farms Act	Fur Farmers
15. The Grain Buyers Licensing Act	Grain Buyers
16. The Ground Water Control Act	Water Well Drillers
17. The Highway Traffic Act	Driver-training Schools
18. The Alberta Insurance Act	Insurers, Agents, Brokers and Adjusters
19. The Investment Contracts Act	Investment Contract Issuers
20. The Licensing of Trades and Business Act	Various designated trades and businesses
21. The Lightning Rod Act	Sellers and Installers of lightning rods
22. The Liquor Control Act	Brewers, Distillers, Wineries
23. The Liquor Licensing Act	Operators of beverage rooms, clubs, canteens, dining lounges and lounges and beer vendors
24. The Alberta Livestock and Livestock Products Act	Operators of stock yards, livestock dealers and agents, poultry and poultry products dealers
25. The Milk Control Act	Producers, Processors and Distributors of fluid milk
26. The Mines and Minerals Act	Operators of geophysical equipment
27. The Mortgage Brokers Regulation Act	Mortgage Brokers and Agents
28. The Municipal Government Act	Businesses generally, ambulance service, taxi business, transport truck business, places of amusement, etc. hotels, etc. and service stations
29. The Noxious Weeds Act	Operators of seed cleaning plants
30. The Prearranged Funeral Services Act	Persons undertaking to provide prearranged funeral services and persons soliciting plans
31. The Private Investigators and Security Guards Act	Private Investigation Agencies and Security Guard Agencies

32. The Public Service Vehicles Act	Liveryman Business Operators
33. The Alberta Racing Commission Act	Race Track Operators
34. The Real Estate Agents' Licensing Act	Real Estate Agents
35. The Sale of Chattels by Public Auction Act	Auction Sales companies
36. The Securities Act	Dealers, Advisers, and underwriters
37. The Seed Dealers Act	Seed Dealers
38. The Stock Inspection Act	Butchers and Hide Dealers
39. The Trade Schools Regulation Act	Operators of trade schools
40. The Vegetable Sales (Alberta) Act	Brokers, Commission Agents, Dealers, Packers, Processors and persons assembling vegetables and vegetable products.
41. The Wildlife Act	Operators of big game farms, game bird farms and pheasant shooting grounds and fur dealers, tanners, farmers

APPENDIX D — TABLES AND GRAPHS

TABLE 1

AVERAGE NET INCOMES OF TAXABLE PERSONS IN FIVE PROFESSIONAL GROUPS AND THE FIVE PROFESSIONAL GROUP AVERAGE FOR THE YEARS 1960, 1965 and 1970 — ALBERTA

OCCUPATION	1960	1965	1970	PERCENTAGE CHANGE 1960 - 1970
Accountants	$11,494	$10,599	$16,067	39.8%
Medical Doctors & Surgeons	$18,146	$22,718	$37,500	106.7%
Dentists	$13,038	$16,690	$25,259	93.7%
Lawyers & Notaries	$14,622	$17,098	$23,399	60.0%
Engineers & Architects	$10,000	$14,557	$21,557	115.6%
Average*	$15,135	$17,995	$29,020	91.7%

* Weighted Average (Total net income of taxable persons in the five professional groups/total number of persons in the five professional groups.)

SOURCE: "Taxation Statistics", Department of National Revenue

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TABLE 2

AVERAGE NET INCOME OF TAXABLE PERSONS IN FIVE PROFESSIONAL GROUPS, AVERAGE WEEKLY WAGES AND SALARIES AND AVERAGE INCOMES OF FIVE PROFESSIONAL GROUPS AS A PERCENTAGE OF AVERAGE WEEKLY WAGES & SALARIES FOR THE YEARS 1960, 1965 AND 1970 — ALBERTA

	1960	1965	1970
Average Income of the Five Professional Groups*	$15,135	$17,994	$29,020
Average Weekly Wages & Salaries	$76.75 ($3,991/yr.)	$89.88 ($4,674/yr.)	$128.15 ($6,664/yr.)
Average Incomes of the Five Professional Groups as a Percentage of Average Weekly Wages & Salaries	379.2%	385.0%	435.5%

* The five professional groups are: Accountants, Medical Doctors & Surgeons, Dentists, Lawyers & Notaries and Engineers & Architects.

SOURCE:
"Taxation Statistics",
Department of National Revenue.
"Average Weekly Wages & Salaries",
Statistics Canada.

TABLE 3

AVERAGE TAXABLE INCOMES OF TAXABLE PERSONS IN FIVE PROFESSIONAL GROUPS AND THE FIVE PROFESSIONAL GROUP AVERAGE FOR THE YEARS 1965 AND 1970 – ALBERTA

OCCUPATION	1965	1970
Accountants	$ 7,407	$12,417
Medical Doctors & Surgeons	$18,128	$32,119
Dentists	$12,858	$20,748
Lawyers & Notaries	$13,236	$18,821
Engineers & Architects	$11,038	$17,397
Average*	$13,986	$24,231

* Weighted Average (Total taxable income of persons in the five groups/total number of taxable persons in the five groups.)

SOURCE: "Taxation Statistics", Statistics Canada.

TABLE 4

AVERAGE WEEKLY WAGES & SALARIES AND PERCENTAGE CHANGE (FOR THE YEARS 1960 and 1970, ALBERTA)

	1960	1970	PERCENTAGE CHANGE 1960 - 1970
Average Weekly Wage	$76.75	$128.15	67.0%

SOURCE: "Average Weekly Wages & Salaries", Statistics Canada.

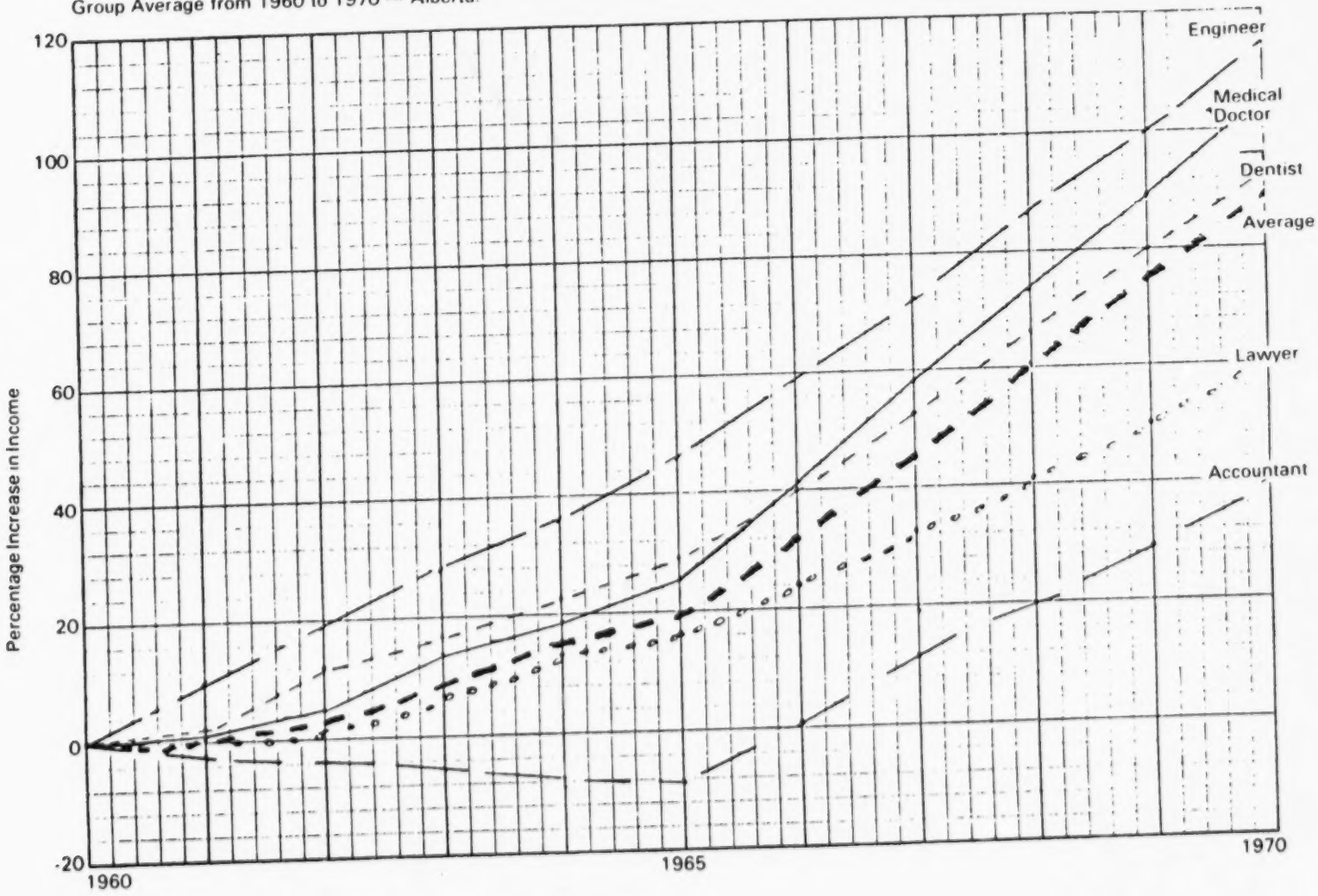
TABLE 5

CONSUMER PRICE INDEX AND PERCENTAGE INCREASE FOR THE YEARS 1960 AND 1970 – ALBERTA

	1960	1970	PERCENTAGE INCREASE 1960 - 1970
Consumer Price Index	99.3	125.1	26.0%

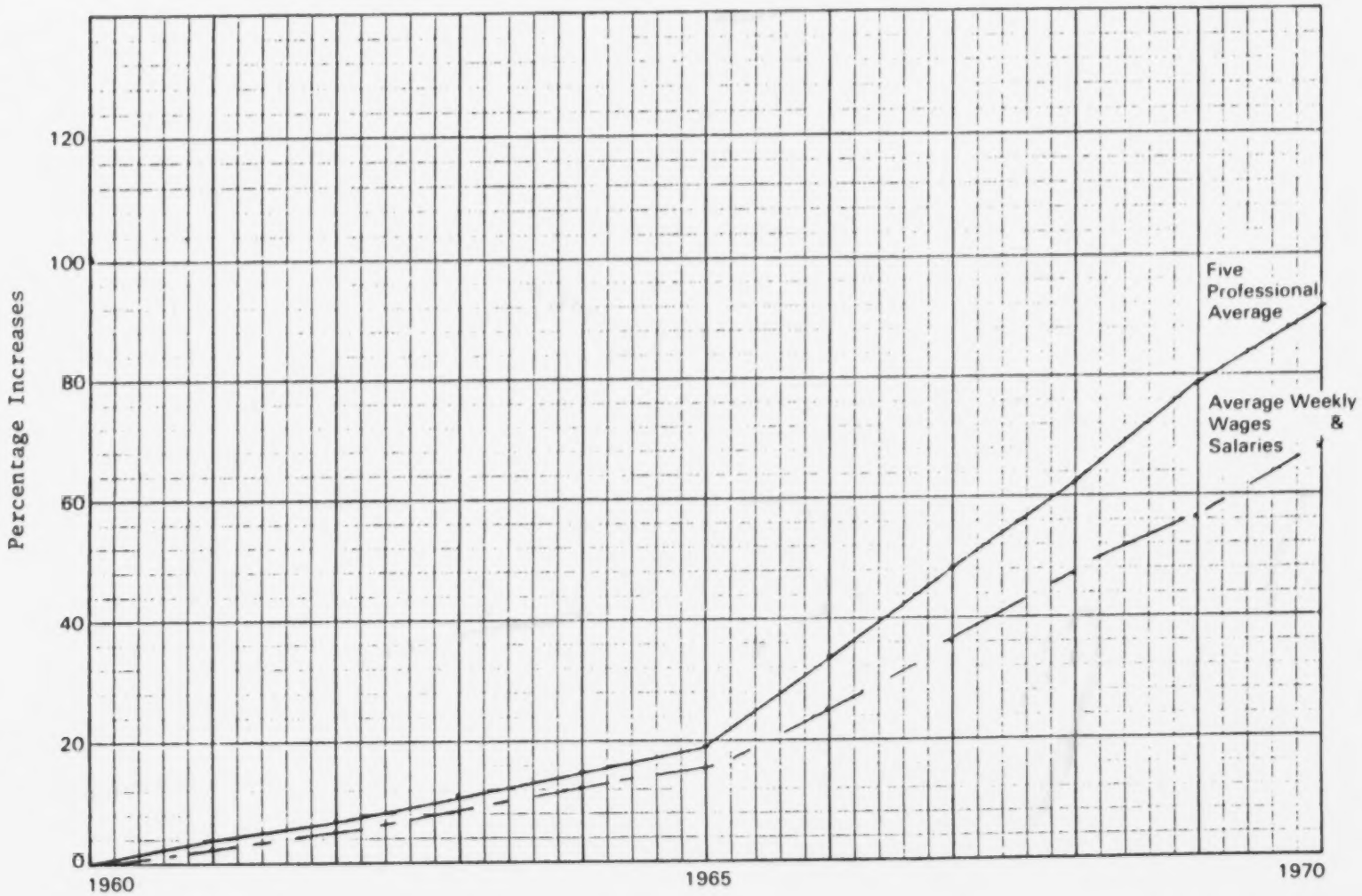
SOURCE: "Prices and Price Indexes", Statistics Canada.

Figure 1
Percentage Increases in the Average Incomes of Taxable Persons in Five Professional Groups and in the Five Professional Group Average from 1960 to 1970 — Alberta.



SOURCE "Taxation Statistics" Department of National Revenue

Figure 2
Percentage Increases in the Average Incomes of Taxable Persons in Fiver Professional Groups and in Average Weekly Wages and Salaries in Alberta — From 1960 to 1970.



SOURCE: "Taxation Statistics", Department of National Revenue.

APPENDIX E

ORGANIZATIONS AND INDIVIDUALS THAT PRESENTED BRIEFS AND APPEARED AT THE PUBLIC HEARINGS OF THE SPECIAL LEGISLATIVE COMMITTEE ON PROFESSIONS AND OCCUPATIONS

The Special Legislative Committee on Professions and Occupations was required by its Terms of Reference to hear representations from professional and occupational associations as well as representative members of professions and occupations generally. The Committee held hearings for one day in Calgary, Alberta on September 11, 1972 and for five days in Edmonton, Alberta from September 25, 1972 to September 29, 1972 inclusive. The organizations and individuals listed below presented briefs prior to the public hearings, and appeared before the Committee at the public hearings.

Certified General Accountants Association of Alberta
Institute of Accredited Public Accountants
Institute of Chartered Accountants
Society of Industrial Accountants
Alberta Institute of Agrologists
Alberta Association of Professional Appraisers
Alberta Association of Architects
Alberta Association of Landscape Architects
A. S. Edmond Benz
Alberta Cardiology Technicians' Association
Consumers Association of Canada
The Alberta Dental Association
Alberta Dental Hygienists' Association
Alberta Registered Dietitions' Association
Edmonton Beverly Progressive Conservative Association of Alberta
Electrical Contractors' Association
Association of Professional Engineers, Geologists and Geophysicists
Family Service Association
Alberta Funeral Directors & Embalmers Association
R. D. Gainor
Alberta Society of Petroleum Geologists
Alberta Hearing Aide Dealers Association
Alberta Home Economics Association
Calgary General Hospital Union
Insurance Agents Association of Alberta
Registered Interior Designers Institute of Alberta
Canadian Society of Laboratory Technologists
Law Society of Alberta
Alberta Medical Association
S. Gordon McAfee
National Farmers' Union
Alberta Association of Registered Nurses
*Alberta Mental Deficiency Nurses Association
Alberta Certified Nursing Aides' Association
Alberta Association of Nursing Orderlies
Alberta Society of Occupational Therapists
Alberta Guild of Ophthalmic Dispensers
Alberta Optometric Association
Alberta Pharmaceutical Association
Alberta Professional Photographers Association
College of Physicians and Surgeons
Physiotherapists and Masseurs Association of Alberta
Association of Chartered Physio-Therapists of Alberta
Canadian Physio-Therapy Association
Psychiatric Association of Nurses
Psychologists Association of Alberta
Group of Interested Psychologists
Richard H. M. Plain
Canadian Society of Radiological Technicians
Alberta Real Estate Association
Dr. M. T. Richards
Alberta Association of Social Workers
Licensed Clinical Social Workers
Speech and Hearing Association of Alberta
Alberta Land Surveyors Association
Alberta School Trustees' Association
Alberta Teachers Association
Alberta Veterinary Medical Association
Edmonton Watchmakers Association
Alberta Water Well Drilling Association
Gustav Zawallich

*This group submitted a brief and was scheduled to appear at the public hearings, but was unable to attend

APPENDIX F

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